

DRAFT

A meeting of the New Hampshire Water Well Board was held on April 23, 2009 at 9:00 AM, in rooms 111& 112, 29 Hazen Drive, Concord NH, 03302.

Present were: Jeffrey Tasker, Chairman
Rene Pelletier, Secretary

Board Members: Peter Caswell, Stephen Smith, David Wunsch and Thomas Garside

NHDES Staff: Richard Schofield and Allyson Gourley

Chairman Tasker brought the meeting to order at 9:05 AM.

Approval of Minutes

3/16/09 Meeting: Upon motion by Stephen Smith and seconded by Peter Caswell, the Board unanimously voted to accept the Minutes of the meeting.

9:10 am. Upon Motion by Mr. Caswell, seconded by Mr. Smith, the meeting went into non-public session to receive legal advice from Counsel.

Meeting reconvened at 9:58 am.

Complaints

Webster / A.S.K. Well and Pump LLC

Mr. Schofield briefed the Board regarding a complaint made by Nancy Webster against A.S.K. Well and Pump LLC:

On January 17, 2009, A.S.K. Well and Pump was contacted by Ms. Webster or her plumber, to report that she was not getting water at her residence located at 5 Maple Street, Kingston, NH. Mr. Savarino of A.S.K. Well and Pump went to her house the same day and determined that the existing point well was not producing water. On January 20, 2009, A.S.K. installed a new 46-foot deep point well. Ms. Webster contends that since the well was installed it continues to produce sand.

On January 26, 2009, Ms. Webster contacted Mr. Savarino because she was not getting any water. He determined that the temporary pipe, installed above ground, had frozen. Following their conversation, Ms. Webster thawed the pipe with a hair dryer, wrapped the pipe with heat tape and covered the pipe with insulation. On the next day, Mr. Savarino came back to her residence, re-installed the heat tape, primed the well pump, and left her an invoice for \$200. Ms. Webster disputes this bill.

On February 2, 2009, Ms. Webster called Mr. Savarino again because she did not have water. Following this telephone conversation, Mr. Savarino went back to Ms. Webster's residence and

installed a sand filter and a new ½ horse power well pump. He left her an invoice for \$500. Ms. Webster contends that this work was done without her knowledge.

Ms. Webster states that she still does not have drinkable water. She asserts that the water has an odor and the toilet bowls are stained.

Mr. Schofield conducted an inspection at the Webster residence and confirmed that the well continues to produce a fine sand. He stated that the sand is a violation of We 602.09(g).

Mr. Savarino contends that he had to re-install the heat tape that was applied by Ms. Webster because it was improperly installed. He also claims that he had discussed the need for a new pump with Ms. Webster and that she was at home when it was installed. He states that he has offered to complete the job by installing the pipe underground and replacing the existing screen with a smaller sieve screen.

Mr. Schofield told the Membership that it is the position of DES that if Mr. Savarino installs a smaller slot screen and is successful in eliminating the production of fine sand, the violation would be resolved.

Chairman Tasker invited Mr. Savarino to the table. The Board members questioned Mr. Savarino. Mr. Pelletier told Mr. Savarino that much of the frustration experienced by Ms. Webster could have been avoided by providing a more realistic quote initially that included heat tape to prevent the temporary pipe from freezing.

Following the testimony by Mr. Savarino, Nancy Webster and her daughter, Dena Bouazians were invited to the table. Ms. Webster told the Board that the pipe did not freeze after she thawed it and installed the heat tape, as claimed by Mr. Savarino. She also said that she had the original well pump cleaned and inspected by another contractor who told her there was nothing wrong with her original pump other than it was clogged with sand.

Mr. Savarino stated that he is willing to bury the pipe, install a smaller sieve screen and reinstall the original pump.

Mr. Schofield noted that a well completion report has yet to be submitted for the project. Mr. Savarino said he intends to submit the report once the project is completed.

Mr. Pelletier summarized the responsible course of action; stating that the original pump be reinstalled and a smaller sieve screen be installed. He recommended that the water softening unit continue to be by-passed until the company that maintains that unit can conduct a thorough backwash to remove all of the sediment. He said over time, velocity of the water through the distribution system should remove any residual sand. Mr. Pelletier added that he is not convinced that the sediment encumbering the softening unit had been caused by the new well, and therefore he did not feel that issue was Mr. Savarino's responsibility to correct.

Ms. Webster asked if it would be possible to document the agreed-upon course of action in writing. Mr. Schofield said that he would write a Settlement Agreement letter and send it to both parties.

Mr. Smith asked Mr. Savarino if he agrees to provide Ms. Webster with a sediment-free well, reinstall the original pump and withdraw the \$200 charge for reinstallation of the heat tape. Mr. Savarino said he agreed.

Licensing

License Applicants

Mr. Schofield told the Membership that he had (2) applications for consideration.

The first application, submitted by Jay Levesque for a Water Well Contractors License, was reviewed at the meeting on October 9, 2008. It was determined at that time that (2) of the references provided by Mr. Levesque did not meet the requirements. (2) of the (3) references provided by Mr. Levesque were employees, whereas the rules allow only (1) employee to be used as a reference and (2) of the references provided must be from the water well industry. The Board also wanted more information regarding Mr. Levesque's experience.

Mr. Schofield told the Membership that Mr. Levesque has since provided an additional reference who is a water well contractor. Mr. Schofield said that with this additional reference, Mr. Levesque's application meets the requirements. He said Mr. Levesque also submitted additional information regarding his experience on the well drilling equipment. Mr. Levesque is requesting an exemption from the requirement that one reference be a former employer. Mr. Levesque states that he owns his own company and has always worked for himself. He hired a licensed well driller in 2005 and he has been working with his driller to gain experience.

Mr. Pelletier made a motion to grant the exemption and allow Mr. Levesque to sit for the exam. The motion was seconded by Mr. Smith. The Board voted unanimously to allow Mr. Levesque to sit for the exam.

The second application for consideration was submitted by Joseph Miranda for a Technical and a Rotary Well Drilling License.

Following some discussion, the Board decided to request that Mr. Miranda submit additional information regarding his water well drilling experience.

The Board discussed the possibility of reviewing license applications in non-public session in future meetings. The Membership thought it would be appropriate to avoid the likelihood of adversely affecting an applicant's reputation. The Membership decided to consult with counsel on the matter.

Dug Wells The Board had discussed this matter at the last meeting and asked Mr. Schofield to place it on the agenda for further discussion. At the last meeting Mr. Schofield raised a concern that the rules adopted last June require license applicants to have at least two references from individuals within the industry having personal knowledge of the applicant's experience. And one of the references must be from a former or current employer licensed to construct wells. In most cases these requirements would be impossible for an applicant for a dug well license to meet because excavation contractors generally work for themselves and don't have helpers. Mr. Schofield suggested that the Board needs to work with contractors that are making the effort to

become licensed rather than making it too difficult to obtain. The Membership agreed it was important to get those contractors who want to construct wells with the program. To give them the rules, have them pass the exam, and continue to educate themselves about drinking water wells.

The Board moved to grant applicants for dug well licenses an exemption from the experience requirement and an exemption from the requirement to submit references.

Exams Mr. Schofield recommended that the Board establish a sub-committee to upgrade the pump installer exams and the wash well exam. He suggested that the Board recently adopted new rules and it was good administrative due diligence to review the exams after a rulemaking. The Membership agreed and decided that the full Board would participate and instructed staff to schedule the meetings.

Old Business

Webpage - Mr. Schofield informed the Board that since the last meeting he had met with Tim Nowack, the DES Website Manager, and Jeremy Dupuis, OneStop Database Programmer, to discuss the details for posting the Complaint Registry on OneStop, which were approved by the Board at its last meeting.

Radon System Vents - This issue was discussed at the last meeting. Mr. Schofield explained that following the last meeting he had attempted to contact Thorstensen Laboratories of Waterford, MA to confirm the reports of squirrels falling into radon aeration tanks through the vent pipe but was unsuccessful. However, the Board had received a photograph from a licensee of an aeration system pump impeller covered with dirt and/or detritus, which had presumably fallen down the event pipe.

The Membership discussed the report of the squirrels drowning in the tanks from an employee of Thorstensen Laboratories and another four cases reported by Roger Skillings, found by his technicians. The Membership noted that this appears to be a significant public health concern but the matter was not within the Board's authority. It was believed that the issue may be within the Plumbers' Licensing Board authority because the Board is now certifying water treatment technicians. The Board moved to send a letter to the Plumbers' Licensing Board to inform the Board of this public health issue.

New Business

E-mail v. US Mail – The Board's administrative support staff, Allyson Gourley, made a suggestion that in an effort to save postal costs and paper, meeting documents traditionally mailed to each Board member could be scanned and e-mailed to the Membership. The Membership agreed it would be desirable to receive documents sent on a day to day basis between meetings by e-mail. However, they preferred to receive the hardcopy meeting packets sent before each meeting by US Postal Service.

Reporting

Closed Loop Geothermal Well Fields – Mr. Schofield informed the Membership that he had received requests from two licensees that they be able to file a subset of well completion reports for closed loop geothermal well fields. He presented the Board with a recent submittal of 90 well completion reports for a job in Cheshire County. Each report was filed out completely with detailed logs, depth to water bearing fractures, and final yield test results.

The Board determined that the information was desirable for all wells and borings, and by rule it was required.

Hydro-fracturing Reports for Existing Wells – The Board discussed a request filed by a licensee regarding whether or not a well completion report must be filed when an existing well is hydro-fractured. Mr. Schofield explained how these reports are processed. For new well construction, the hydro-frac information is completed on the back of the well completion report. For those licensees who only perform hydro-fracturing work, the Board created a well development report that must be filed. When these are received they are matched to the original well completion report and stapled together. For existing wells, if the well development report can be matched with a well record, the database is updated and the reports are filed together. If there is no corresponding well completion report, the well development report gets placed in a manila file on Mr. Schofield's desk.

The Membership reviewed the statute and rules and concluded that well completion reports are not required to be filed when an existing well is hydro-fractured. The Board also agreed that the information had merit and a rule change would be required.

Directional Drilling of Production Wells – Mr. Schofield informed the Membership about a test drilling project that was undertaken by the Manchester Water Works to develop a new water source from a productive stratified-drift aquifer underlying the Merrimack River. A series of vertical test wells were drilled into the riverbed and a 12 inch diameter screened infiltration well was constructed under the riverbed extending horizontally 166 lineal feet below the river and test pumped. The temporary vertical test wells were removed and decommissioned after test pumping and sampling.

Mr. Schofield inquired of the Board if a horizontal production well of this nature was under the jurisdiction of the Board. In addition, would a licensed water well contractor be required for its construction and would a well completion report be required to be filed. The Board determined that the well was under the Board's jurisdiction, a license was required to construct the well, and a well completion report would need to be filed.

The meeting was adjourned.